

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD PRATT, et al.,
Plaintiffs,

v.

COUNTY OF WHATCOM, et al.,
Defendants.

CASE NO. C12-2052 RAJ

ORDER

This matter comes before the court on plaintiffs' unopposed motion for an order providing an American Sign Language ("ASL") interpreter for mediation. Dkt. # 18.

The parties have scheduled mediation for August 19, 2013 at the offices of Brett Murphy in Bellingham, WA. Plaintiffs are both deaf and require sign interpretation to participate in the mediation.

For court proceedings, this District provides special interpretation services pursuant to 28 U.S.C. § 1828. For other circumstances, the court may make special interpretive services available to a "person requesting the services on a reimbursable basis at rates established in conformity with section 9701 of title 31," but the director of the Administrative Office of the United States Courts "may require the prepayment of the estimated expenses of providing the services by the person requesting them." 28 U.S.C.

1 § 1828(b). The court has discretion to determine whether to order that “all or part of the
2 expenses shall be apportioned between or among the parties” 28 U.S.C. § 1828(c).

3 This District no longer mandates mediation. If the parties choose to engage in
4 private mediation as a cost effective strategy to resolve the litigation, it is at their
5 election. Given plaintiffs’ representations regarding their financial limitations, the court
6 believes that reimbursement and apportionment are appropriate under these
7 circumstances. The court will pay the cost of the mediator, to the extent the rates are in
8 conformity with 31 U.S.C. § 9701, but will require the parties to reimburse the court for
9 these costs. The court will require defendants to pay 90 percent, and plaintiffs to pay 10
10 percent of the cost of the mediator. The parties have not provided the court with a precise
11 dollar amount. Nevertheless, the court ORDERS the parties to submit their estimated
12 proportion of the cost by close of business Friday, August 16, 2013 as prepayment if the
13 parties choose to continue with the mediation.

14 For all the foregoing reasons, the court GRANTS in part and DENIES in part
15 plaintiffs’ motion consistent with this order.

16 Dated this 14th day of August, 2013.

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20 The Honorable Richard A. Jones
21 United States District Judge
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